

ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG DIVISION

Emanuel Thomas Newman,
Plaintiff,

-Vs-

Louis §Caprio, and
Jimmie L. White., Jr.,
Defendants,

Case No. 01-0677

(Conner, J)

FILED
HARRISBURG
AUG 02 2004
MARY E. DANDREA, CLERK
DEPUTY CLERK
DB

PLAINTIFF'S MOTION FOR THE AWARD OF COST

Comes now, Emmanuel Thomas Newman, Plaintiff, pro-se, in the above titled case, and moves this court to award him the out of pocket cost of litigation.

In support thereof, Plaintiff states the following:

That after a three day civil jury trial, and a jury verdict in his favor, this plaintiff became the prevailing party.

Therefore, pursuant to title 42 U.S.C. § 1988 and 1997, this plaintiff is entitled to recovery of the out of pocket cost of litigating his civil case at the discretion of this court, including all legal copies, postage, civil filing fees to the clerk of the court, and computerized legal research by non-legal professionals. Also, any witness fees, and the service of subpoenas to those witnesses, that

is recoverable.

Plaintiff began the commencement of his civil proceedings with the filing of his first Bureau Of Prisons Administrative remedy in June of 1999, and ended said proceedings on May 26, 2004, with a verdict in his favor. At the very onset of his litigation, he was totally without funds or adequate research resources.

Therefore, plaintiff sought the aid of two benefactors, who offered to aid and support this plaintiff during his civil litigation on the condition that they be repaid for their financial and computerized legal research support.

The agreement was that if plaintiff was the prevailing party he would pay them in full from the proceeds of his damage awards, and that if plaintiff lost he would repay them at a rate of \$30 a month from his U.N.I.C.O.R. (prison job) pay.

Those persons are:

Richard Dahl
1 Lagoon Rd. S
Hagerman, Idaho 83332
(208)837-6583

Helen Trowbridge
1 Lagoon Rd. S
Hagerman, Idaho 83332
(208)837-6583

Both Mr. Dahl and Ms. Trowbridge are retired persons, who provided this plaintiff with funds for copies, postage, witness fees, civil filing fees, service of subpoenas to witnesses, phone calls to the court and to get advice from

an attorney, and hundreds of hours of computer legal research on the internet.

BILL OF COST

ITEM	HOURS	COST	TOTAL
Phone Calls to Court, Researchers, and Attorney for advice	3613	\$.20 pre. min	\$722.60
COPIES (3260 copies in all prepared for court/trial)	.15 per copy		\$489.60
POSTAGE (680 single stamps)	.37 per each		\$251.60
CIVIL FILING FEE.....			\$150.00
WITNESS FEE (one witness)	\$40 per	--	\$40.00
TYPewriter RIBBONS (17 X \$4.68).....			\$79.56
SERVICE OF WITNESS (one witness)	\$35.00	--	\$35.00
CORRECTION RIBBONS (27 X \$1.00).....			\$27.00
COMPUTERIZED LEGAL RESEARCH 349.5 HOURS	\$40 per hour		\$13,980.00
TYPING DAISY WHELL.....			\$23.00
NON-LEGAL PROFESSIONAL RESEARCH LAW LIBRARY 208 1/2 HOURS	\$40 per hour		\$8,340.00
LARGE BROWN LEGAL ENVELOPES (33 X .15¢).....			\$4.95
PARA-LEGAL BILL GOLDEN Paid by Dahl/Trowbridge			\$2,500.00
LEGAL RESEARCH DONE BY PLAINTIFF (9,400 hours of research)	\$5.25 per hour		\$49,350.00
TOTAL OUT OF POCKET COST CLAIMED			\$75,993.31

Plaintiff charged the rate of pay that he would have received if he were employed in the normal working world making minimum wage. He is not requesting attorney fees, because he is not an attorney, and therefore not entitled to attorney's fees.

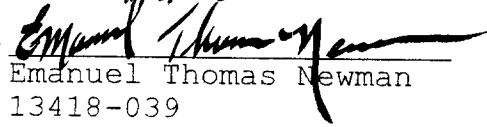
Plaintiff, would also, move this court to have the clerk of the court forward the cost of the computerized legal research to the address included for Mr. Richard Dahl and Ms. Helen Trowbridge and all other funds to this plaintiff.

The court will find attached to this document a copy of the bill for the computerized research and hourly log sheet,

a copy of plaintiff's inmate account status from June of 1999 to present showing monies received from Richard Dahl and Helen Trowbridge to cover the cost of litigation, and affidavits from this plaintiff, and Mr. Dahl and Ms. Trowbridge.

Therefore, plaintiff moves this court to GRANT him the cost of litigation in the amount of \$75,993.31.

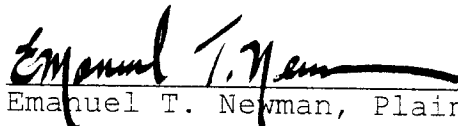
Respectfully submitted by,


Emanuel Thomas Newman
13418-039
F.C.I. Oxford
P.O. Box 1000
Oxford, Wis 53592-1000

CERTIFICATE OF SERVICE

I, Emanuel T. Newman, pursuant to title 28 U.S.C. §1746, do hereby state upon my oath that I have mailed copies of this document to all parties concerned via U.S. Postal Service.

This 25 Day of July, 2004

By, 
Emanuel T. Newman, Plaintiff

COPIES TO:

U.S. DISTRICT COURT
OFFICE OF THE CLERK
MIDDLE DISTRICT OF PENNSYLVANIA
228 WALNUT STREET
HARRISBURG, PA 17108

U.S. ATTORNEY
MIDDLE DISTRICT OF PENNSYLVANIA
316 FEDERAL BUILDING
240 WEST THIRD STREET
WILLIAMSPORT, PA

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This 25 Day of July, 2004

By, Emanuel T. Newman
Emanuel T. Newman, Plaintiff

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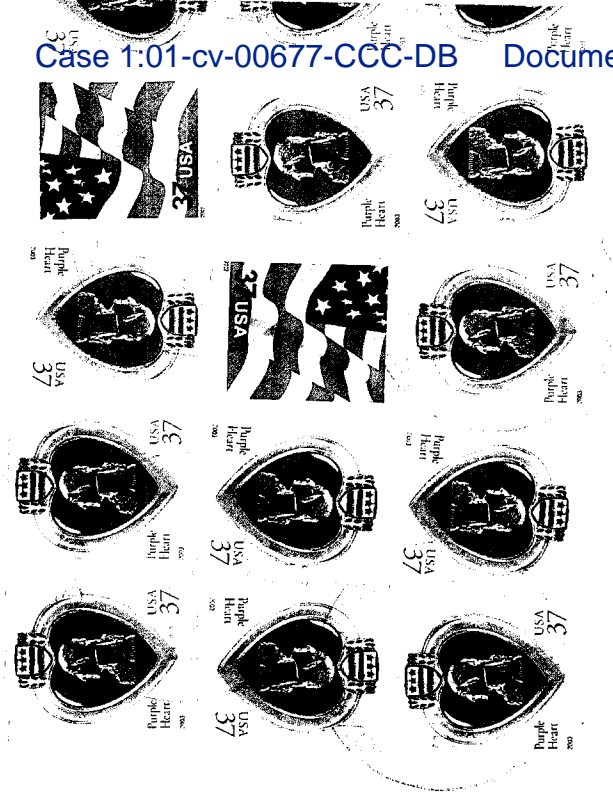
E. T. NEWMAN # 13418-039
FEDERAL CORRECTIONAL INSTITUTION
P.O. BOX 1000
OXFORD, WIS 53952-1000

Jul 28 2004

Date

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UNITED STATES DISTRICT
MIDDLE DISTRICT OF PENNS.
228 WALNUT STREET
HARRISBURG, PA 17108

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